



MARGOLIN, WEINREB & NIERER, LLP

C. LANCE MARGOLIN, ESQ.

ALAN WEIN

6/14/23

Plaintiff's application to lift the stay of this action is GRANTED. The supplemental memorandum of law and other documentation described in the Court's 4/28/2022 Order (Doc. #36) is due 7/28/2023.

VIA CM/ECF

Hon. Vincent L. Briccetti
Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, NY 10601

The Clerk is directed to lift the stay of this action.

SO ORDERED:

Re: *Wilmington Sav. Fund Society, F*
SDNY Case No.: 7:22-cv-00120-V
Dismissal of Bankruptcy Matter

Vincent L. Briccetti, U.S.D.J.

6/14/2023

Dear Judge Briccetti,

We represent the Plaintiff Wilmington Sav. Fund Society, FSB in the above referenced foreclosure matter. On May 9, 2022, Defendant James B. Smith ("Smith") filed Chapter 13 Bankruptcy in the Southern District of New York under Bankruptcy Petition No.: 22-35317-CGM (the "Bankruptcy"). As a result, on May 12, 2022 this Court stayed the instant foreclosure action. *See* ECF Dkt. No.: 38. Your Honor also ordered that the undersigned provided a status report concerning the Bankruptcy every ninety (90) days thereafter. *See id.* The most recent Court order required the filing of a status on or before July 26, 2023. *See* ECF Dkt. No.: 46.

On June 1, 2023, the Bankruptcy was dismissed. A copy of the Dismissal Order is attached hereto as **Exhibit A**. At the time this matter was stayed because of the Bankruptcy, Your Honor had issued an order directing Plaintiff to file a supplemental memorandum addressing Plaintiff's ownership of the underlying note. *See* ECF Dkt. No.: 36.

As a result of the Dismissal Order, Plaintiff respectfully requests that Your Honor consider this matter active. Plaintiff also respectfully requests that Your Honor please set a new deadline of July 28, 2023 for Plaintiff to submit its supplemental memorandum.

We thank this Court for its time and attention to this matter.

Respectfully,

/s/ Seth D. Weinberg
Seth D. Weinberg, Esq.
E: Seth@nyfclaw.com

WE ARE A DEBT COLLECTOR AND ARE ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.